IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.101 OF 1992

ALONGWITH

CRIMINAL APPLICATION NO.303 OF 1996

The State of Maharashtra
(Shri A.G. Udhoji,
Drugs Inspector, Food & Drugs
Administration, Manekji Wadia
Bludg. 127, M.G. Road,
Bombay - 23. ..... Petitioner.

V/s

1. Shri Mohanlal Verma,
Director, R/o 131, N.S.C. Bose
Road, Block No. 5, Flat No.5,
Calcutta- 43.

2. Purshottam Lal Agarwal
Director, R/o. 21, BST Gorachand
Road, Calcutta - 14.

3. Tarachand Sabro,
Director, R/o. Alankar, Penu Road,
Calcutta - 23.

4. Damodardas Binani
Director, R/o. 41, Stand Road,
Calcutta.

5. Mohanlal Singhi,
Director, R/o. I.B. Old Court Road,
House Street, Calcutta - 1.
(Dismissed as per Court's order

dated 22/7/1994)

6. Dinesh Mohunta,
Manager, R/o. 28, Mangal
Karini Co-op. Society, 17th Road,
Sidharth Nagar, Goregaon (W),
Bombay - 62.

7. M/s. Albert David Limited
B/12, Meent Road, Industrial Estate,
Gaziabad (U.P.) .....Respondents.

Mr. U.V. Nikam, APP for the State.

CORAM: V.M. KANADE, J.

DATE : 1st September, 2006

ORAL JUDGMENT:

1. Both these applications can be disposed of by a common judgment:-

2. Heard Mr. Nikam, the learned APP appearing on behalf of the State. Perused the affidavit-in-reply filed on behalf of the respondent No.7.

3. State has challenged the order of discharge passed by

the Metropolitan Magistrate, 6th Court, Mazgaon, Bombay whereby the respondents were discharged of the offence punishable under sections 18(a)(i) read with sections 16 and 34 of the Drugs and Cosmetics Act, 1940.

4. The learned APP has taken me through the Judgment and Order of the learned Magistrate dated 12/12/1991. The learned Magistrate, after perusing the evidence which was recorded before framing of the charge, came to the conclusion that even if the said evidence is accepted on its face value, it was not sufficient to convict the accused. The learned Magistrate relied upon the judgment of the Supreme Court in the case of Spinning and Manufacturing Co. Ltd. Vs. The State of Maharashtra reported in AIR 1972 SC 545.

5. Respondents have filed an affidavit in which they have stated that the respondent No.5 had expired on 17/08/1989 and that the respondent No.3 was an old man of around 82 years of age. More than 10 years have passed after the said affidavit has been filed.

6. In my view, no case is made out by the State for interfering with the well reasoned order which is passed by the learned Magistrate. There is no jurisdictional error or illegality committed by the Trial Court. Hence, the Criminal Revision Application and the Criminal Application taken out therein are accordingly dismissed. Rule stands discharged.

(V.M. KANADE, J.)